

## **REMARKS**

This is in response to the Office Action dated June 5, 2006. Claims 1, 24 and 28 to 33 are presented for examination, of which claims 1, 20, 28, 31 and 32 are independent. Claims 25 to 27 have been cancelled without prejudice or disclaimer of subject matter, and without conceding the correctness of the rejections. Reconsideration and further examination are respectfully requested.

Initially, Applicants thank the Examiner for the indicating the allowance of claims 28 to 30.

As required by the Office Action, replacement drawings are attached to this response. Withdrawal of the drawing objections is respectfully requested.

Claims 1, 4 to 12, 15 to 25, 27, 32 and 33 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,078,723 (Dance). Claims 13 and 14 were rejected under 35 U.S.C. § 103(a) over Dance. Claims 5 and 6 were rejected under 35 U.S.C. § 103(a) over Dance in view of U.S. Patent No. 5,551,443 (Sepetka). Claims 2, 26 and 31 were rejected under 35 U.S.C. § 103(a) over Dance in view of U.S. Patent No. 4,653,496 (Bundy). Claim 3 was rejected under 35 U.S.C. § 103(a) over Dance in view of U.S. Patent No. 5,084,010 (Plaia). Claims 25 to 27 have been cancelled. The remaining rejections are respectfully traversed.

Independent claim 1 recites a device for removing a tubular body member from a body. The device comprises a cutting tool that includes (a) a cutting head having (i) a leading edge comprising an annular cutting blade, and (ii) an attachment section, and (b) a body section having a proximal end, a distal end and an inner passage extending therethrough, the distal end operable to couple to the attachment section of the cutting head.

The cited art is not seen to teach or suggest the features of independent claim 1, and in particular, is not seen to teach or suggest at least the features of a cutting head having an attachment section and a body section having a distal end operable to couple to the attachment section of the cutting head.

Dance relates to an atherectomy device for removing stenosis from arteries. (See Abstract). The Office Action cites to elements 56, 68 and 35 of Dance as teaching a cutting head, leading edge, and annular cutting blade, respectively. The Office Action goes on to contend that Dance also teaches a cutting head with an attachment section, and a body section with a distal end, a proximal end, and an inner passageway therethrough. However, the Office Action fails to cite to any passage or figure in Dance that teaches these features. Furthermore, the Office Action makes no mention of Dance teaching a distal end that is operable to couple to the attachment section of the cutting. The only reference to the construction of Dance's device with respect to a cutter head is found in column 3. There, Dance teaches that "[c]utter head 56 is preferably brazed to ribbon 53." (Column 3, lines 55-56).

As such, Dance is not seen to teach a cutter head that has an attachment section, nor any body section that has a distal end that is operable to couple to the attachment section of the cutting head. Instead, Dance only teaches that a cutter head may be attached to a ribbon 53 through the external process of brazing.

None of the other cited art is seen to supply what is missing from Dance, and accordingly, independent claim 1 is believed to be allowable over the cited art. Likewise, since independent claim 31 recites an attachment structure for attaching to a body section and independent claim 32 recites a body section connectable to the cutter head, they are also believed to be allowable over the cited art.

Independent claim 20 recites an apparatus for harvesting a tubular body member, the apparatus comprising: (a) an endovascular component having a diameter smaller than the diameter of the tubular body member, the endovascular component capable of being inserted into the tubular body member, (b) a cutting tool comprising (i) a tubular body section, (ii) a cutting head attached to the tubular body section, the cutting head having a leading edge comprising an annular cutting blade, and (iii) an opening extending through the cutting tool, wherein the opening is sized to allow the tubular body member and some body tissue surrounding the tubular body member to fit inside.

The cited art is not seen to teach or suggest the features of independent claim 20, and in particular, is not seen to teach or suggest leas the feature of an opening extending through the cutting tool, wherein the opening is sized to allow the tubular body member and some body tissue surrounding the tubular body member to fit inside.

As can be seen in Figs. 5-7, Dance's device fits wholly within a blood vessel, such as an artery. As such, the opening of Dance's cutting tool cannot be sized to allow the tubular body member and some body tissue surrounding the tubular body member to fit inside, since Dance's entire device, let alone an opening extending through a cutting tool, is smaller than the tubular body member itself.

None of the other cited art is seen to supply what is missing from Dance, and accordingly, independent claim 20 is believed to be allowable over the cited art.

The remaining claims in the application are each dependent from one of the aforementioned independent claims and are also believed to be allowable.

### CONCLUSION

In view of the foregoing, applicant respectfully submits that the application is in condition for allowance. The Examiner is invited to telephone the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

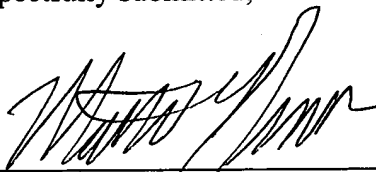
By making the amendments herein, applicant does not concede to a narrower claim scope than originally sought and reserves the right to prosecute different and/or broader claims in any related application.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-3878.

Respectfully submitted,

Date: \_\_\_\_\_

10/5/06



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